

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 397**

BY SENATORS SYPOLT, FACEMIRE, ROMANO, AND CLINE

[Originating in the Committee on the Judiciary;

Reported on February 9, 2018]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §5-15-9, relating to making it a misdemeanor to impersonate a person who is  
3 blind or disabled; making it a misdemeanor for a person to fraudulently represent himself  
4 or herself to be the owner or trainer of a service animal; and establishing penalties.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 15. WHITE CANE LAW.**

**§5-15-9. Fraudulent representation; penalties.**

1 (a) Any person who falsely represents to another that he or she is a person who is blind  
2 or a person with a disability with the intent to obtain any right or privilege protected by the  
3 provisions of §5-15-4 of this code is guilty of a misdemeanor and upon conviction thereof shall be  
4 fined not more than \$200 or confined in jail for not more than 10 days, or both fined and confined.

5 (b) Any person who falsely represents that an animal is a service animal in order to obtain  
6 any right or privilege protected by the provisions of §5-15-4 of this code is guilty of a misdemeanor  
7 and, upon conviction, shall be fined not more than \$200 or confined in jail for not more than 10  
8 days, or both fined and confined.

9 (c) Notwithstanding the penalty provisions of §5-15-9(a) or §5-15-9(b) of this code, any  
10 person convicted of a second or subsequent violation of §5-15-9(a) or §5-15-9(b) of this code  
11 shall be fined not more than \$1,000 or confined in jail for not more than 30 days, or both fined and  
12 confined.

13 (d) A right or privilege protected by the provisions of §5-15-9(a) of this code includes but  
14 is not limited to use of a service animal for assistance purposes.